

REMARKS

Claims 1-42 are pending in the application. Claims 5-20 and 24-39 were previously withdrawn. Claims 21-23 are allowed. Claims 1-4 and 40-42 are rejected. Applicants submit that no new matter has been added by these amendments. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. § 103

Claims 1-4 and 40-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kolpack et al. in view of Cobb.

Regarding claims 1-4, it is argued that Kolpack discloses the downhole fluid separator substantially as claimed, except that the Kolpack separator separates oil and water. Cobb is cited as disclosing that a separator that separates gas and liquid is capable of separating any two fluids with different specific gravities. Therefore, it is argued, that it would be obvious to use the downhole fluid separator of Kolpack in separating oil and water. Applicant respectfully submits that the disclosure of Cobb is not as broad as asserted. Thus, it would not be obvious from Cobb to apply the downhole fluid separator of Kolpack to separate oil and water.

In support of the assertion that Cobb discloses separators are capable of separating any two fluids with different specific gravities, column 1, lines 43-52 is cited. The relevant portion reads as follows:

It should be noted, however, that separators are useful not only to separate well liquids and gas, but may also be used in separating any two fluid substances which have different specific gravities.

This passage, however, is not a blanket statement that *all* separators may be used for separating *any* two fluid substances of different specific gravity, as asserted in the rejection. Nor is this passage even an assertion that the Cobb separator, a gas-liquid separator, can be used for separating any two fluid substances of different specific gravity. For example, in the same paragraph as the cited passage, Cobb goes on to state that its separator, primarily useful as a gas-well liquids separator, can also be used in separating gas and water without substantial alteration.

(col. 1, ll. 52-58). In both instances, gas-well liquids and gas-water, the Cobb separator is described as separating gas and liquid. Accordingly, Cobb fails to teach that a separator for separating gas and liquid is capable of separating any two fluids with different specific gravities, as asserted in the rejection.

In view of the above, it has not been shown that it would obvious to apply the gas-liquid separator of Kolpack to separate oil and water. Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-4 under 35 U.S.C. § 103(a).

Regarding claims 40-42, independent claim 40 recites “rotating the cylinder to subject the fluid to centrifugal force.” In rejecting claims 40 et seq., it stated that Kolpack discloses “a cylinder (58) rotatably disposed in the housing and defining a flow passage (85) therein.” (Office Action mailed 6/22/2006, pg. 2, para. 2.). Kolpack, however, discloses that the tubular hub 58 is “stationary” (col. 4, l. 66), and that centrifugal forces are imposed on the gas-liquid mixture by axial flow along a stationary helical path defined by baffle 56 (col. 4, ll. 52-63). Cobb likewise discloses a stationary helical path (defined by spiral guide members 68 and 78). Accordingly, the combination of Kolpack and Cobb fails to disclose “rotating the cylinder to subject the fluid to centrifugal force.”

In view of the above, it has not been shown that Kolpack and Cobb disclose each and every limitation of claims 40-42. Therefore, Applicants respectfully request withdrawal of the rejections of claims 40-42 under 35 U.S.C. § 103(a).

Allowable Subject Matter

Applicants note and appreciate the Examiner's indication that Claims 21-23 have been allowed.

Conclusion

In view of the above, and for other reasons clearly apparent, Applicants respectfully submit that the Application is in condition for allowance, and request such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicants hereby request a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

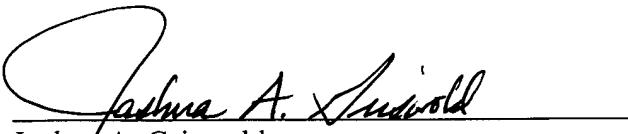
Applicant : Jim Surjaatmadja, et al.
Serial No. : 10/692,564
Filed : October 24, 2003
Page : 13 of 13

Attorney's Docket No.: 17604-005001 /
2002-IP-008025U1

No fees are believed due at this time. However, please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: 8-22-06



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